

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DAYLAN DORTCH,

Defendant.

8:08CR76

ORDER

This matter is before the court on the motion of defendant Daylan Dortch (Dortch) to review his detention order (Filing No. 25). Dortch was detained following a detention hearing on March 24, 2008 (Filing No. 11). Dortch seeks release to the third party custody of Sonia Wade.

Dortch is charged with possessing a firearm after having been convicted of a felony in violation of 18 U.S.C. § 922(g). Dortch is 28 years of age and is an Omaha resident. He obtained his GED from Boys Town in 1996. Dortch has had sporadic employment over the past several years. Dortch acknowledged he had been “on the run” and was earning some cash income from a local lawn service company. Dortch has used marijuana since he was twenty and estimates he smokes every day, 1-2 blunts per sitting. Since early 1991, Dortch’s criminal history indicates approximately seventy (70) contacts with law enforcement. Apart from his prior felony conviction for a controlled substance and a conviction for assault and battery, Dortch has been convicted on three occasions for obstruction of law enforcement and on four occasions for providing false information to law enforcement officers. Dortch has been convicted on **forty-three occasions** for driving under suspension or revocation and has been charged with failure to appear on thirty-one occasions. The firearm discovered in the car Dortch was occupying was found during a surveillance of a funeral home for gang member where law enforcement received information of a potential shooting retaliation.

Dortch has a history of ignoring rules and regulations and directions of the court. This court has absolutely no confidence in Dortch's promise he would comply with conditions of release and appear whenever he was directed. Further, Dortch's use of

controlled substances, his prior convictions for drug possession, assault, obstruction of law enforcement, and his possession of a stolen firearm with an obliterated serial number renders Dortch a danger to the community and there is no condition or combination of conditions that would reasonably assure the safety of the community.

IT IS ORDERED:

Dortch's motion to review detention (Filing No. 25) is denied.

DATED this 6th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge